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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/027,205 02/20/98 JUNE

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000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON MA 02109

HM12/0622

EXAMINER

GAMBEL, P

ART UNIT

PAPER NUMBER

1644

DATE MAILED:

06/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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| EXAMINER | |
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| ART UNIT | PAPER NUMBER |
| 1644 | 11 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

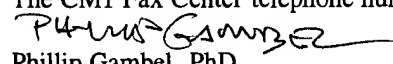
The reply filed on 4/10/00 (Paper No. 10) is not fully responsive to the prior Office action because applicant has amended the claims to read on a non-elected inventions/species.

Applicant has elected anti-CD28 antibodies to upregulate HIV-fusion cofactor expression for prosecution on the merits (Paper No. 7). Since applicant has received an Office Action on the merits for the originally presented invention, "downregulating HIV-1 fusion cofactor expression" has been withdrawn from consideration as being directed to a non-elected species/invention.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.


Phillip Gambel, PhD.
Primary Examiner
Group Art Unit 1644
Technology Center 1600
June 20, 2000